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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: JUL 05 2007

MICHAEL A. CARDOZO  
Corporation Counsel

THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007

DOUGLAS W. HEIM  
Assistant Corporation Counsel  
phone: (212) 788-1298  
fax: (212) 788-9776  
dheim@law.nyc.gov

July 3, 2007

**BY FAX: (212) 805-0426**

Honorable Laura T. Swain  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 755  
New York, New York 10007

### MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

Re: Othello Cheeks v. City of New York, et al., 07 Civ. 5690 (LTS)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York. I write with respect to the above-referenced matter in which plaintiff alleges that defendants failed to protect him. Defendant City respectfully requests an extension of time to answer or otherwise respond to this complaint from July 9, 2007 until September 9, 2007. Plaintiff consents to this request.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, because plaintiff has alleged physical injuries as a result of the events complained of, this office is also in the process of forwarding to plaintiff for execution a consent and authorization for the release of medical records, limited, at this juncture, to medical records concerning treatment received as a result of the alleged incident, so defendant City can properly assess the case and respond to the complaint.

No previous request for an extension has been made by defendant City in this action. Accordingly, we respectfully request that defendant City's time to answer or otherwise respond to the complaint be extended to September 9, 2007.

Thank you for your consideration herein.

Respectfully submitted,

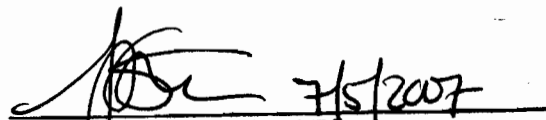


Douglas W. Heim (DH5238)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Mr. Nkereuwem Umoh (by fax: 718-360-1916)  
*Attorney for Plaintiff*  
Law Office of Uwem Umoh  
255 Livingston Street, 4<sup>th</sup> Floor  
Brooklyn, NY 11217

*The request is granted.*

SO ORDERED.

  
7/5/2007  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE